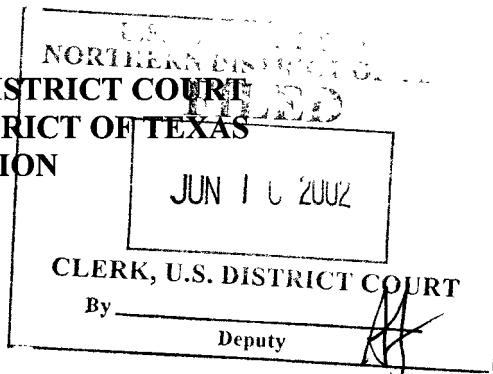


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ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION



LISA TEAL,

*Plaintiff,*

V.

H.J. HEINZ COMPANY,

*Defendant.*

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CIVIL ACTION NO.  
3:02-CV-1052-G

**JOINT STATUS REPORT**

Plaintiff, Lisa Teal, and Defendant, H.J. Heinz Company, by and through their attorneys and pursuant to this Court's Order dated May 21, 2002 hereby file their Joint Status Report as follows:

**1. Statement of the Nature of the Case:** This case was filed pursuant to Tex. Lab. Code Ann. § 21.051 based on sex (pregnancy) discrimination.

***Plaintiff's Contentions:***

Plaintiff, Lisa Teal, was employed by Defendant. Teal advised the Defendant of her pregnancy on or about December 18, 1999. Because Plaintiff was experiencing some pregnancy-related complications, she could not travel. The Defendant began to criticize Plaintiff's performance. On or about February 1, 2001 the Defendant terminated Teal's employment for the stated reason that she allegedly stole company property and misrepresented expense statements. The stated reasons for Plaintiff's termination were false and were a pretext for sex (pregnancy) discrimination in violation of Tex. Lab. Code Ann sec. 21.051. Defendant's termination of Plaintiff's employment was done with malice or reckless disregard for her state and federally protected rights. As a result of Defendant's discriminatory conduct, Plaintiff has suffered damages.

***Defendant's Contentions:***

Heinz denies that Plaintiff was subjected to gender (pregnancy) discrimination, and contends that its actions with respect to Plaintiff were based entirely upon legitimate, non-discriminatory factors.

As a fundamental matter, Heinz contends that Plaintiff has failed to state a claim for gender (pregnancy) discrimination upon which relief may be granted. Heinz contends that Plaintiff's claims are barred in whole or in part by her failure to satisfy all conditions precedent to the filing of such claims, including but not limited to Plaintiff's failure to exhaust administrative remedies. Heinz also contends that Plaintiff cannot recover under any theory alleged in her petition for the termination of her employment since Plaintiff's employment was terminable at will, with or without cause. Furthermore, Plaintiff's claims for injuries allegedly sustained are barred in whole or in part by Plaintiff's failure to mitigate damages.

With regard to Plaintiff claims for punitive damages, Heinz contends the claim is barred by its good faith efforts to prevent discriminatory conduct in the workplace. Heinz also contends that Plaintiff's claims for exemplary and punitive damages are barred by the First, Fifth, Eighth, and Fourteenth Amendments to the United States Constitution and Article 1, §§ 8, 13, and 19 of the Texas Constitution, and that the standards and procedures for awarding exemplary and punitive damages are so vague, indefinite, and uncertain that they are constitutionally deficient, as are the procedures in the appellate courts for reviewing such awards.

Finally, Heinz contends that Plaintiff's claims are frivolous, meritless, or unreasonable, and Heinz is therefore entitled to recover reasonable attorney's fees and expenses.

**8. Consent to Proceed to Trial Before a U.S. Magistrate Judge**

The parties respectfully decline to consent to a trial before a U.S. Magistrate Judge at this time.

**9. Settlement**

There have been no settlement discussions to date. The parties anticipate discussing settlement after initial discovery has been conducted in the case.

**10. Mediation**

The parties are agreeable to mediation, but not until after substantial discovery has been completed. The parties will select a mediator agreeable to the parties. If agreement cannot be reached, the parties will request that the Court appoint a mediator.

**11. Other Matters**

None at this time.

Respectfully submitted,



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**H.J. Heinz Company**